



21 NOV 2006

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In re Application of	:	
KLEIN, Eberhard et al.	:	
Application No.: 10/502,430	:	DECISION ON
PCT No.: PCT/DE02/03408	:	
Int. Filing Date: 12 September 2002	:	PETITION
Priority Date: 22 January 2002	:	
Attorney's Docket No.: 10191/3445	:	UNDER 37 CFR 1.181
For: METHOD AND DEVICE ... INTERNAL	:	
COMBUSTION ENGINE	:	

This decision is in response to applicants' submission of 15 September 2006.

BACKGROUND

On 21 March 2005, the Office mailed Notification of a Defective Response indicating that figure 4 was not properly translated and that a translation was required within one month or the time remaining in the Notification of Missing Requirements.

On 21 August 2006, the Office mailed Notification of Abandonment (Form, PCT/DO/EO/905) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 15 September 2006, applicants sent a copy of figures 4 and 5 with Response to Notification of Defective Response, dated 21 April 2005. The cover letter was signed by someone not registered to practice before the Office and was accompanied by a postcard receipt.

DISCUSSION

Applicants were previously informed that the text of figure 4 was not properly translated. A timely response to that Notification is not of record and the application is abandoned.

Further, the response dated 21 April 2005 would not have been sufficient to avoid abandonment. Applicants were requested to provide a translation of figure 4. Instead, applicants translated figure 4 and provided a new translation of figure 5, so that it no longer tracked with the description.

A proper response is either a new translation of the entire application and drawings removing the German language abbreviations or the submission of a translation of figure 4 and a return to the original translation of figure 5.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

This application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely reply may be construed as intentional delay.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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